

ENTERED

January 04, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES G. MILLER,

Plaintiff,

VS.

BRYAN COLLIER, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:19-CV-00398

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation ("M&R"). (D.E. 35). The M&R recommends that the Court grant in part and deny in part the Texas Department of Criminal Justice's ("TDCJ") motion to dismiss. (D.E. 28).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.¹ *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate


¹ Plaintiff's mail was returned as undeliverable. Since then, the Court has waited an appropriate amount of time for an updated address. As a party, Plaintiff is required to keep the Court apprised of his current address at all times and has failed to do so.

Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 35). Accordingly, the Court:

(1) **GRANTS** TDCJ's motion to dismiss to the extent that Plaintiff's ADA/RA claim seeks punitive damages against TDCJ. (D.E. 28). To the extent that Plaintiff's ADA/RA claim seeks punitive damages against TDCJ, this claim is **DISMISSED with prejudice**. (D.E. 1).

(2) **DENIES** the TDCJ's motion to dismiss in all other respects. (D.E. 28).

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
January 3rd, 2022